IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NOs: 7612 & 25137 of 1999

WRIT PETITION NO : 7612 of 1999

Between:

1 B.Harinarayana, S/o. B.Gopalaiah,
Gr.I.Telugu Pandit, S.S.N.High School, Kadapa District.
2 V.Uthanna, S/o. V.Ganganna,
Gr.I.Telugu Pandit, S.S.N.High School, Kadapa District.
3 Smt. C.Swarna Kumari, D/o. C.H.Sudarsanarao,
Gr.II.Telugu Pandit, S.S.N.High School, Kadapa District.
4 B.Thirumalaiah S/o. Basanna,
Gr.II.Telugu Pandit, S.S.N.High School, Kadapa District.
5 Smt. N.Sivakama Sundari D/o. Vedagiraiah,
Gr.I. Hindi Pandit, S.S.N.High School, Kadapa District.
6 Smt. D.Gangamma, D/o. Gangaiah,
Gr.II. Hindi Pandit, S.S.N.High School, Kadapa District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Rep by its Secretary

to Government, Education Department
Secretariat Buildings, Hyderabad.
2 The Director of School Education,
Hyderabad, A.P.,
3 The District Educational Officer, Kadapa,
Kadapa District.
4 The Correspondent, Sri Sarada Nilayam High School, Kadapa,
Kadapa Disrtict.

(R4 is Dismissed for default as per Court order,dt. 21/2/03.)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus declaring the action of the respondents in recovery of the amounts paid as a revised pay after refixation of pay and allowances through Proceedings Rc.No. 7/88-89, dt. 20.3.1989 as arbitrary, illegal and unjust and consequently direct the respondents to refund the amounts already recovered after the refixation of the petitioners pay and allowances as per the Proceedings Rc.No. 1, Spl/A3/87, dated 28-11-1997, issued by the District Educational Officer, Kadapa.

Counsel for the Petitioner: MR.R.K.SURI

Counsel for the Respondent No.1 to 3: GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.4:--

AND

WRIT PETITION NO : 25137 of 1999

Between:

Smt.M.V.Nagarathanamma D/o M.Subbanna,
S.S.N. High School, Kadapa.

..... PETITIONER

AND

1 The Govt. of A.P Rep. by its Prl. Secretary Education Dept.
Secretariat Hyderabad.
2 The Director of School Education,
Nampally, Hyderabad, A.P.
3 The District Educational Officer
Kadapa, Kadapa District.
4 The Correspondent Sri Sarada Nilayam High School
Kadapa, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus declaring the action of the respondents in recovery of the amounts paid as a revised pay after refixation of pay and allowances through proceedings RC.No.7/88-89 dt:20-3-89 as arbitrary, illegal and unjust and consequently, direct the respondents to refund the amounts already recovered after the refixation of the petitioner's pay and allowances as per the proceedings RC.No.1 Spl/A3/87 dt:28-11-1987 issued by 3rd Respondent and proceedings RC.No.6008/C-2/98 dt:6-5-1999 issued by 2nd Respondent .

Counsel for the Petitioner: MR.R.K.SURI

Counsel for the Respondent Nos.1 to 3: GP FOR SCHOOL EDUCATION

The Court made the following:

COMMON ORDER:

In both these writ petitions, the petitioners are questioning the proceedings in Rc.No.7/88-89, dated 20.03.1989, under which certain amounts, purported to have been paid in excess while applying the Pay Revision Commission, were recovered from them.

It is the case of the petitioners that such a course of action was not open for the respondents without putting them as to the reasons for which the recovery was sought to be made. It is represented by the leaned counsel for the petitioners that under the impugned proceedings recovery has already been given effect to.

Be that as it may, without expressing any opinion on merits, the petitioners are directed to make a detailed representation before the competent authority and on such representation, the competent authority shall consider the same and pass reasoned orders as per law.

With the above directions, the writ petition is disposed of. No order as to costs.

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(C.V.RAMULU, J)

12.07.2005

DR

To

1 The Secretary to Government, Education Department,

The Government of Andhra Pradesh,
Secretariat Buildings, Hyderabad.

2 The Director of School Education,
Hyderabad, A.P.,

3 The District Educational Officer, Kadapa,
Kadapa District.

4 The Correspondent, Sri Sarada Nilayam High School, Kadapa,
Kadapa Disrtict.

5 2 CCs to GP for School Education, High

Court Buildings, Hyderabad. (OUT)

6 2 CD copies